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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,360	09/14/2005	Kazuyuki Miyata	PTB-1207-120	5536
23117 7590 06/03/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER PILKINGTON, JAMES	
			ART UNIT 3656	PAPER NUMBER
			MAIL DATE 06/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,360	Applicant(s) MIYATA ET AL.	
	Examiner JAMES PILKINGTON	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/09</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2002-257146 (US equivalent Ueno, USP 6,918,701 used in discussion below).

Ueno discloses a strut sliding bearing comprising:

- an upper casing (3) made of a synthetic resin (C4/L10) and having an annular lower surface (39);
- a lower casing (2) which is made of a synthetic resin (C4/L10), is superposed on said upper casing (3) so as to be rotatable about an axis of said upper casing (center of assembly),
- an annular upper surface (14) opposed to the annular lower surface (39) of said upper casing (3);
- an annular thrust sliding bearing piece (4) which is made of a synthetic resin (C4/L13-14), and is interposed between the annular lower surface (39) and the annular upper surface (14),
- wherein said lower casing (2) has on a lower surface (84) thereof a spring seat surface for a suspension coil spring (holds seat plate 86)

- wherein said lower casing (2) includes an annular base portion (84); an upper cylindrical portion (13) which is integrally formed on an upper surface of the annular base portion (84) and on which the annular upper surface (14) is formed; and a lower cylindrical portion (86) formed integrally on a lower surface of the annular base portion (84), the lower surface of the annular base portion on a radially outer side of the lower cylindrical portion serving as the spring seat surface
- the annular base portion, the upper cylindrical portion, and the lower cylindrical portion include a plurality of thinning cavities (at 19 and 61)
- a tubular radial sliding bearing piece (5), wherein said upper casing (3) includes an upper annular portion (38) on which the annular lower surface (39) is formed and a cylindrical portion (37) extended integrally downward from a radially inner peripheral edge of the upper annular portion (38) and having a cylindrical side surface (36), said lower casing (2) having a cylindrical side surface (11) opposed to the cylindrical side surface (36) of the upper casing (3), said radial sliding bearing piece (5) being interposed between the cylindrical side surface (36) of the cylindrical portion (37) of said upper casing (3) and the cylindrical side surface (11) of said lower casing (2)
- wherein said lower casing (2) includes an inner peripheral-side cylindrical projecting portion (16) integrally projecting upward from the annular upper surface (14) on a radially inner peripheral side and an outer peripheral-

side cylindrical projecting portion (15) integrally projecting upward from the annular upper surface (14) on a radially outer peripheral side, said thrust sliding bearing piece (4) being disposed between the inner peripheral-side cylindrical projecting portion (14) and the outer peripheral-side cylindrical projecting portion (15)

- wherein said upper casing (3) includes an inner peripheral-side cylindrical suspended portion (52) integrally suspended downward from a radially inner peripheral side of the annular lower surface (39) and an outer peripheral-side cylindrical suspended portion (40) integrally suspended downward from a radially outer peripheral side of the annular lower surface (39), said thrust sliding bearing piece (4) being disposed between the inner peripheral-side cylindrical suspended portion (52) and the outer peripheral-side cylindrical suspended portion (40)
- wherein said upper casing (3) includes an upper annular portion (38) on which the annular lower surface (39) is formed and a cylindrical portion extended (41) integrally downward from a radially outer peripheral edge of the upper annular portion (39)
- Wherein the [reinforced] synthetic resin used to make the bearings and casing includes at least one of polyacetal resin, polyamide resin, thermoplastic polyester resin, polyolefin resin, and fluororesin (C4/L9-36)
- wherein said upper casing is adapted to be resiliently fitted and secured to said lower casing (adapted via 45 and 17)

- a suspension coil spring (85) seated at one end thereof on a spring seat surface of said lower casing.

Response to Arguments

3. Applicant's arguments filed 4/22/09 have been fully considered but they are not persuasive.

4. The Applicant argues on the bottom of page 11 that arrangement of the strut slide bearing being claimed makes it "possible to omit an upper spring seat member made of sheet metal" and therefore reduces weight and cost.

The claims are written using the transitional phrase "comprising" which does not limit the scope of the claim to only that structure being recited in the body. As claimed a device can have an upper spring seat member of sheet metal and still anticipate the limitations of the claim.

5. The Applicant argues at the top of page 12 that JP'146 does not disclose "the upper cylindrical portion on which the annular upper surface is formed, in conjunction with the annular base portion, the upper cylindrical portion and the lower cylindrical portion including a plurality of thinning cavities."

JP'146 does indeed disclose an upper cylindrical portion (13) with an annular upper surface (14) which is formed in conjunction with an annular base portion (84 see figure 2), the upper cylindrical portion (13) and a lower cylindrical portion (86) are

formed with a plurality of thinning cavities (at 19 and 61). All the portions are formed integrally with each other and the plurality of thinning cavities are formed on the integrated component. The claim does not recite any particular structure of the thinning cavities or their locations to differentiate the device from that of JP'146.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JAMES PILKINGTON** whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
5/26/09

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656